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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VALLEY FORGE INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY,)	Civil Action No. C-12-00227-JSW
)	
Plaintiffs,)	STIPULATION AND [PROPOSED]
)	ORDER OF DISMISSAL
vs.)	
ODYSSEY THERA, INC.,)	(Assigned to the Honorable Jeffrey S.
)	White)
Defendant.)	
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ODYSSEY THERA, INC.,)	
)	
Counter/Cross- Claimant,)	
vs.)	
VALLEY FORGE INSURANCE COMPANY, CONTINENTAL CASUALTY COMPANY and SCOTTSDALE INSURANCE COMPANY,)	
)	
Counter/Cross- Defendants.)	
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TO THE COURT CLERK, ALL PARTIES AND THEIR COUNSEL:

IT IS HEREBY STIPULATED by and between plaintiffs/counter-defendants Valley Forge Insurance Company and Continental Casualty Company and defendant/counter-claimant Odyssey Thera, Inc., through their undersigned counsel, that the following be dismissed with prejudice: (1) the complaint filed by plaintiffs Valley Forge Insurance Company and Continental Casualty Company against defendant Odyssey Thera, Inc., and all claims and causes of action therein; and (2) Odyssey Thera, Inc.'s counter-claims against Valley Forge Insurance Company and Continental Casualty Company.

In accordance with the dismissal, plaintiffs Valley Forge Insurance Company and Continental Casualty Company withdraw the motion for partial summary judgment filed by Plaintiffs on June 8, 2012, pursuant to Local Rule 7-7(e).

This Stipulation shall have no effect on Odyssey Thera Inc.'s claims against Scottsdale Insurance Company. This Stipulation is made pursuant to the parties' Settlement Agreement. Each of the parties is to bear its own costs and attorney fees in the instant action.

DATED: July 10, 2012

COLLIAU CARLUCCIO KEENER MORROW PETERSON
& PARSONS

/s/ Robert Christensen

ROBERT C. CHRISTENSEN

Attorneys for Plaintiffs and Counter-Defendants
VALLEY FORGE INSURANCE COMPANY and
CONTINENTAL CASUALTY COMPANY

DATED: July 10, 2012

JONES DAY

/s/ Raymond Sheen


RAYMOND SHEEN

Attorneys for Defendant and Counter/Cross-Claimant
ODYSSEY THERA, INC.

~~[PROPOSED]~~ ORDER

Upon stipulation of the parties, and pursuant to Federal Rules of Civil Procedure, Rule 41(a), IT IS HEREBY ORDERED that the following are dismissed with prejudice: (1) the complaint filed by plaintiffs Valley Forge Insurance Company and Continental Casualty Company against defendant Odyssey Thera, Inc., and all causes of action therein; and (2) Odyssey Thera, Inc.'s counter-claims against Valley Forge Insurance Company and Continental Casualty Company. In accordance with the dismissal, the motion for partial summary judgment filed by plaintiffs Valley Forge Insurance Company and Continental Casualty Company is hereby withdrawn.

Dated: July 11, 2012


Honorable Jeffrey S. White
Judge of the United States District Court for the
Northern District of California